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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,302	03/21/2001	Darrel D. Cherry	10005030-1	4822

22879   7590   04/02/2009
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EXAMINER
BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
2443	

NOTIFICATION DATE	DELIVERY MODE
04/02/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte DARREL D. CHERRY, GARTH F. SCHMELING, KELLI H.
KENNEDY

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Appeal 2008-4177
Application 09/814,302
Technology Center 2400

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Decided:[1] April 1, 2009

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Before HOWARD B. BLANKENSHIP, JAY P. LUCAS, and ST. JOHN
COURTENAY III, *Administrative Patent Judges.*

BLANKENSHIP, *Administrative Patent Judge.*

DECISION ON APPEAL

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[1] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date
shown on this page of the decision. The time period does not run from the
Mail Date.

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 13-20, which are all the claims remaining in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

Appellants' invention relates to a client agent that communicates with a server, transfers data to the server, and retrieves user interfaces from the server. (Spec. 2:23-25.)

Representative Claim(s)

13. A system for distributing information, the system comprising a logical printer, a client agent, and a processor operable to execute the logical printer and the client agent, wherein:

the logical printer is integrated with the print functionality of a client computer and is configured to launch the client agent and provide the client agent with a document; and

the client agent is configured to connect to a server remote from the client computer, to send the document to the server, to receive a user interface from the server, the user interface enabling a user to enter data identifying a destination for the document, and to return data entered by the user through the user interface to the server so that the server can send the document to a destination identified by the data.

19. A method for distributing information, comprising:

in response to a user selection of a logical printer to print a document on a client computer, connecting to a server;

sending the document to the server;

displaying a user interface received from the server, the user interface enabling a user to enter data identifying a destination for the document;

returning data entered by the user through the user interface to the server so that the server can send the document to a destination identified by the data.

Prior Art

The Examiner relies on the following references as evidence of unpatentability.

| Gecht | 6,859,832 B1 | February 22, 2005 |
| Pagurek | 6,550,024 B1 | April 15, 2003 |

Examiner's Rejections

Claims 13-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gecht and Pagurek.

Claim Groupings

Based on Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claims 13 and 19. *See* 37 C.F.R. § 41.37(c)(1)(vii).

FINDINGS OF FACT

Gecht describes a client device 12 (Fig. 1) having an associated print driver 14. The print job may come from, for example, an application program 15 that produces a printable document. Gecht col. 7, ll. 37-42.

The print job may be printed on a remote printer 120, by means of spooling server 50 and printer polling device 100, which periodically polls

the spooling server 50 to determine if a print job waits. Gecht col. 7, ll. 26-
36; 51-62.

In an alternative embodiment (Fig. 11), an agent program 200 may be
downloaded and installed on the client device 12. Once installed and
running, the agent program 200 initiates a connection to the spooling server
50 similar to that of printer polling device 100 in the Figure 1 embodiment.
Gecht col. 13, ll. 20-26.

PRINCIPLES OF LAW

A person having ordinary skill in the art uses known elements for their
intended purpose. *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.,*
396 U.S. 57 (1969) (radiant-heat burner used for its intended purpose in
combination with a spreader and a tamper and screed).

"[W]hen a patent 'simply arranges old elements with each performing
the same function it had been known to perform' and yields no more than
one would expect from such an arrangement, the combination is obvious."
KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727, 1740 (2007) (quoting
Sakraida v. Ag Pro, Inc., 425 U.S. 273, 282 (1976)).

ANALYSIS

Gecht teaches a client agent 200 (Fig. 11) configured to connect to a
server 50 remote from the client computer 12. Gecht col. 13, ll. 6-19. The
client agent 200 is configured to receive a user interface from the server, the
server-supplied user interface enabling a user to enter data identifying a
destination for the document 13, and to return data entered by the user

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through the user interface to the server so that the server can send the document to a destination identified by the data. Gecht col. 11, ll. 16-23.

Gecht's description of the embodiment of Figure 11 does not specify how the option of sending a document 13 to the spooling server 50 might be integrated with other applications in the client device 12. However, Gecht teaches a print driver 14 (Fig. 1) that may accept print requests from an application like any other print driver, but route the output of the print job to a spooling server 50. Gecht col. 8, ll. 7-18. Gecht thus teaches a logical printer integrated with the print functionality of a client computer. The ordinary artisan would have understood that such an interface would be useful in the Figure 11 embodiment, such that print job 11 can be directed to the spooling server 50, but preserving the capability of local printing using other print drivers. The logical printer might replace, but could also be in addition to, the directory and print-to-file functions described in the Figure 11 embodiment (Gecht col. 13, ll. 29-42; col. 13, l. 64 - col. 14, l. 3).

The logical printer taught by Gecht, in the embodiment of Figure 11, would be configured to provide the client agent 200 with a document 13. Gecht does not describe a logical printer 14 (Fig. 10) or a document directory 204 (Fig. 11) as "configured to launch" the client agent 200. However, when using a logical printer it would have been obvious to the ordinary artisan that the client agent 200 would not be needed when there was no document to print on a printer on a remote network. It thus would have been obvious to one of ordinary skill in the art to configure the logical printer to launch the client agent 200, rather than having the client agent always resident in local memory and taking up client computer resources.

The subject matter of instant claim 13 would thus have been obvious, as a simple arrangement of old elements, each performing the same function it had been known to perform, yielding no more than one would expect from such an arrangement. *See KSR* at 1740.

Instant claim 19 does not recite a "client agent," but is directed to selecting a document destination via a user interface and a server. Gecht teaches all the subject matter of claim 19, at column 8, lines 7 through 18 and column 11, lines 16 through 23 (Fig. 1).

Appellants' arguments in the briefs focus on supposed deficiencies in the combination of Gecht and Pagurek. However, we find that all of the supposed deficiencies are taught by Gecht alone. We thus consider Pagurek to represent merely cumulative evidence for unpatentability of the claimed subject matter.

We are thus not persuaded that any of the claims on appeal are non-obvious over the applied prior art. We sustain the § 103(a) rejection of claims 13 through 20.

DECISION

The rejection of claims 13-20 under 35 U.S.C. § 103(a) as being unpatentable over Gecht and Pagurek is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

Appeal 2008-4177
Application 09/814,302

PL/LT initials: erc

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